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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum*

CHAD

[14 January 1997]

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* The annexes to this report are available for consultation in the Centre for Human Rights secretariat.

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INTRODUCTION

1. Countless children throughout the world are deprived of the right to play, to go to school and even to enjoy a happy childhood. An even greater number have become war victims or recruits. Thousands of others have suffered indirectly from war, and their development has been jeopardized by the closing and destruction of schools and dispensaries, by interruptions in food production and basic services, and by separation from their families. Although children are particularly vulnerable and need special attention, their interests are ignored with impunity by States, and even by their own parents.

2. And yet, the many international human rights instruments make little or no specific mention of children. It was against that setting that the United Nations General Assembly adopted the Convention on the Rights of the Child on 20 November 1989. That was followed in 1990 by the World Summit for Children at New York, which adopted a World Declaration on the Survival, Protection and Development of Children and a Plan of Action for Implementing the Declaration. As a United Nations Member State, Chad ratified the Convention on the Rights of the Child on 28 July 1990 and submitted notification of that ratification on 2 October 1990. It also participated in the World Summit for Children.

3. The Government of the Republic of Chad has long devoted special attention to the country's children. This concern is part of a comprehensive, balanced approach, which goes beyond the common, traditional attitude towards the problems of childhood, whereby children are considered in isolation, without regard for the environment in which they live. The comprehensive approach, on the contrary, consists in simultaneously promoting not only the living conditions of the family in all its forms, but also the interests of the entire community and of the environment.

4. Many of the rights of the child and the family have been enshrined in Chad's legislation. All aspects of children's rights are guaranteed such as name, nationality, education, health, guidance, adoption, inheritance, filiation - in short, all the rights set forth in the Convention. Like other sub-Saharan countries, Chad has made considerable efforts to affirm, and ensure respect for, these rights. To that end, the National Programme of Action for Chadian Children (PRONAFET) was developed and, on 31 August 1995, adopted by the Council of Ministers. In order to implement this programme, which aimed at ensuring the survival, protection and development of the child and improving the living conditions of women, a National Coordination and Supervision Committee was established under the General Secretariat of the Office of the President.

5. The Government acknowledges its fundamental duty to protect children in especially difficult circumstances, who have long been left aside by the authorities as a result of political instability. There is only a handful of support structures for children in difficult circumstances, including State rehabilitation facilities, such as the Koundoul Hope Centre, and institutions established by non-governmental organizations (NGOs) and local associations, such as the Milézi Orphanage and the Association for the Promotion and Protection of Chadian Street Children.

6. The State has undertaken many other activities on behalf of children, through its implementation of the Orientation Plan for the Year 2000, sectoral consultations on education and job-related training ("Education and Training for Employment" (EFE), November 1990) and health as a social issue (January 1992), the principal goals of which are improvement in the living conditions of women and the education of children. The Sovereign National Conference, held in 1993, and the general education conference, held in 1994, devoted considerable attention to the problems of children, while the population policy adopted by the Government on 4 September 1995 clearly defines strategies for the promotion of children and young people. Furthermore, under article 44, paragraph 1, of the Convention, the Republic of Chad, like other States parties, undertook to submit to the Committee on the Rights of the Child an initial report on the measures adopted to give effect to the rights recognized in the Convention within two years of ratification. This commitment has not been fulfilled because, for a number of years, the country has undergone a series of crises characterized by the stifling of liberties, political instability and an infernal circle of violence, which has disrupted the machinery of government, the economy and all socio-economic infrastructures. Chad hereby reaffirms its full commitment to implementation of the Convention on the Rights of the Child and its determination to carry out all programmes related to the survival, protection and development of children. The Government of Chad and the country's development partners are devoting special attention to all programmes currently being implemented. In the light of the above, the Republic of Chad herewith submits its initial report on the measures adopted to implement the Convention and the progress achieved so far.

7. This report was prepared by an interministerial committee under the supervision of the Ministry of Justice, with the support of the Chadian office of the United Nations Children's Fund (UNICEF). It was then amended at a seminar held from 7 to 9 September 1996, in which all offices with responsibility for children, agencies of civil society, NGOs and religious organizations (such as the Islamic Committee and the Alliance of Protestant Churches) took part. All the latter's comments have all been reflected in this report. The overall organization of the initial report of Chad broadly reflects the general guidelines regarding the form and content of initial reports adopted on 30 October 1991 (CRC/C/5); thus, after a preliminary chapter devoted to general measures of implementation, the articles of the Convention are dealt with under the following seven major headings: definition of the child, general principles, civil rights and freedoms, family environment and alternative care, basic health and welfare, education and. lastly, special protection measures.

8. The core document, which constitutes the initial part of State party reports under international human rights instruments (HRI/CORE/1/Add.88), includes information on the Republic of Chad, its general political structure and the country's legal framework for the protection of human rights.

I. GENERAL MEASURES OF IMPLEMENTATION

9. The ratification of the Convention on the Rights of the Child (28 July 1990) was an act of great importance for Chad, and several political and legal measures have been taken in order to implement the country's commitments.

A. Measures taken to harmonize national law and policy with the provisions of the Convention

10. Through the Ministry of Planning and Cooperation, Chad has developed an orientation plan entitled "Chad: Orientation Plan for the Year 2000", which establishes the country's short-, medium- and long-term development policy and whose goal is to ensure promotion of the social sector. The plan provides a framework which includes objectives related to the development and protection of women and children.

11. In 1991, an interministerial working group coordinated by the Ministry of Planning began working to develop a National Programme of Action for Chadian Children (PRONAFET), which the Government adopted on 31 August 1995. This programme establishes basic objectives for the survival, protection and development of children and serves as a frame of reference for the establishment of Chad/UNICEF cooperation objectives for the period 1996-2000.

12. At the sectoral level, promotion of the social sector has already begun and has resulted in three major sectoral policies on health and nutrition, basic education, and water and sanitation.

1. Health and nutrition

13. The Government of Chad early on endorsed a health policy based on the primary health-care approach established in the 1978 Alma Ata Declaration and on community participation in health care within the framework of the Bamako Initiative. The ensuing reorganization of the health system led to the adoption of a number of legislative measures instituting:

(a) A division of the country into three operational districts (central, intermediary and peripheral) thereby providing a structural framework for the Chadian health-care system;

(b) The offer of packages of therapeutic and preventive activities to the public according to health-care levels: minimum activity packages for central health care and supplementary activity packages for district hospitals;

(c) Community participation in the determination of needs, in planning, follow-up and evaluation activities, and in the financing of health services;

(d) The adoption of a list of essential generic medications according to the level of health-care services.

2. Basic education

14. With regard to progress made by the "Education and Training for Employment" (EFE) strategy, the general education conference held from 19 to 22 October 1994 at N'Djaména established broad guidelines for an education and training policy with an emphasis on access for increasing numbers of children, particularly girls, to basic education.

3. Water and sanitation

15. Generally speaking, the water and sanitation sector suffers from a certain lack of political guidance and, in some cases, of coordination. There have been several sectoral consultations on aspects of rural and urban development, as well as health and social affairs; however, since there is no national policy, the sector is handled by several ministerial departments (agriculture, health, mines and livestock).

16. There is also a lack of national policy in the areas of sanitation and the environment. However, efforts have been made in the fight against desertification: a master plan for the fight against desertification was adopted in 1991, and a sectoral consultation on the environment and the fight against desertification was organized in 1994.

17. A national programme has been set up to protect children in especially difficult circumstances. The Urban Programme for Children is jointly coordinated by the Ministry for Women, Children and Social Affairs and the Ministry of Justice. The following social action seminars have been organized:

- Discussion seminar on the problem of children in especially difficult circumstances;
- Training seminar for staff dealing with children in especially difficult circumstances;
- Awareness-raising seminar for judges and labour inspectors on the Convention on the Rights of the Child;
- Awareness-raising and discussion seminar for mayors and judges on children in especially difficult circumstances;
- Seminar on the problem of children in the army.

18. A national press commission was established by decree No. 2062/PR/MIOC/DG of 11 August 1990, for the purpose of developing programmes for children. Its activities were suspended and have recently been resumed. In April 1994, the Ministry of Communications organized one-day meetings to consider the development of a national social action policy. It was decided to set up a coordination committee to identify appropriate means of communicating with all the social groups concerned and to consider ways of involving decision makers, influential figures and communities. There are also State-sponsored social action programmes at the community level. The State operates through the public media, especially rural radio, which broadcasts public information programmes on all types of issues. Political organizations and civil associations also use public meetings to raise childhood issues.

19. In addition to the above-mentioned political activities, a Department of Children and Disabled Persons has been set up in the Ministry for Women, Children and Social Affairs, as well as a Child Protection Office in the Ministry of Justice and the Koundoul Hope Centre for Children (CENKE), a

State rehabilitation facility. The Government has also recognized several associations for the promotion and protection of children's rights, including the League for the Promotion and Protection of the Rights of the Child (LPDDE), the Association for the Promotion and Protection of Chadian Street Children (APPERT), the Humanitarian Centre for Deprived and Socially Maladjusted Children in Moundou, the Bethsaleel Orphanage in Koumra, the Bakane Al Salam Orphanage in Abéché, the Béthanie Orphanage in Goudji (N'Djaména) and the Muslim Orphanage in Mélezi (N'Djaména).

20. The Convention on the Rights of the Child and other international legal instruments signed or ratified by Chad have served as the basis for the development of legislation and regulations on behalf of children. Several acts, including decree No. 371/77/CSM/MJ of 9 November 1977 (Chadian Penitentiaries Act), Ordinance No. 001/PCE/CEDNACVG/91 (Armed Forces Reorganization Act), Ordinance No. 06/PR/92 of 28 April 1992 (Members of the Armed Forces Act), the Charter of Rights and Freedoms adopted by the National Sovereign Conference, decree No. 100/Aff.sociales on the protection of children and adolescents, and other legislation (the Penal Code, the Code of Penal Procedure, the Labour Code and the Social Welfare Code) include provisions on the protection of children.

21. It should be noted that some of this legislation dates back to the colonial period. In order to achieve increased protection and to harmonize national legislation with the provisions of the Convention on the Rights of the Child, the National Sovereign Conference has recommended an updating of all this legislation and the preparation of a children's code. To that end, the National Human Rights Committee will assist with the revision of the current legislation and the development of new legislation conforming to the Charter of Human Rights and Freedoms and national and regional instruments, with a view to establishing the rule of law and strengthening democracy (Act No. 031). A family and persons code is currently in preparation, and the draft of a new labour and social welfare code, which takes into account existing legislation on the rights of the child, will soon be adopted by Parliament.

22. Furthermore, the Ministry of Justice has established a Judicial Reform Committee to implement the recommendations of the National Sovereign Conference.

B. Mechanisms at national or local level for coordinating policies relating to children and monitoring the implementation of the Convention

23. By decree No. 192 dated 4 August 1994, a National Committee for the Coordination and Implementation of the Objectives of the National Programme of Action for Chadian Children (PRONAFET), composed of the heads of ministerial departments involved in implementing activities for children, was established under the General Secretariat of the President's Office. There are also follow-up and coordination offices attached to individual Chad/UNICEF cooperation programmes (health and nutrition, basic education, water, sanitation and the environment, the Urban Programme for Children in Especially Difficult Circumstances, social action and research, follow-up and evaluation) (see also paragraphs ...).

24. The Urban Programme for Children in Especially Difficult Circumstances is jointly coordinated by the Ministry for Women, Children and Social Affairs and the Ministry of Justice with the support of UNICEF and in close cooperation with the prefectural technical subcommittees of the four major cities in Chad, Moundou, Sarh, Bongor and Abéché.

C. Problems encountered in implementation of the Convention

25. The implementation of the Convention on the Rights of the Child in Chad has taken place during a period of political, military and socio-economic crisis.

26. At the political level, soon after ratification of the Convention, the country underwent a change of government by force of arms, the consequences of which destabilized the functioning of the administrative system. Increasing tension in the country produced a situation of insecurity which affected the implementation of projects on behalf of children. The unrest has since continued.

27. The economic situation has been equally unfavourable. Chad, which had a gross national product (GNP) of US $220 per person in 1992, is classified as one of the least developed countries. In 1991, it was 150th out of 160 countries and, in 1993, 165th out of 173 according to the human development index. In 1992, about 51 per cent of the total population and 44 per cent of the rural population were living below the poverty line.

28. This situation greatly worsened as a result, inter alia, of the joint decision by the Franc Zone countries, in January 1994, to devalue the CFA franc by 50 per cent against the French franc. This has had unfortunate consequences for income levels, particularly those of the poorest groups of the population. A sharp rise in the price of essential goods has resulted in a lower standard of living for urban dwellers. The structural adjustment programme has also had a negative impact on many sectors of society.

29. In addition to staff cuts in partly State-owned companies and offices, the Civil Service has suspended all recruitment, in line with quotas established by the Finance Act, except in social sectors such as health and basic education.

30. The social situation has been characterized by trade union claims related to unpaid wages, wage irregularities and the adoption of special regulations. Strikes were called in 1992 and 1993, severely affecting certain areas such as health and education.

31. In the area of health and population, the country has been faced with a combination of increased migration to the towns due to insecurity in the interior and increased urbanization through natural growth. The acquired immunodeficiency syndrome (AIDS) pandemic in Chad is on the rise, with 1,162 reported cases in 1994 (a 15 per cent increase over 1993).

32. Furthermore, the implementation of new legislation, whether national or international, does not automatically meet with universal, enthusiastic approval, particularly when it upsets habits, customs and traditions built up over many years.

33. Owing to a total absence of homes, rehabilitation centres and welfare and resettlement facilities, it is impossible for the time being to provide children with the care called for under the provisions of the Convention.

34. Furthermore, the high illiteracy among parents, their resistance to family planning and the blatant lack of experts, such as specialized educators, psychologists and psychiatrists in prisons, schools and shelters, all hinder the implementation of the Convention on the Rights of the Child.

35. Chad has no juvenile courts or magistrates. In addition to the above-mentioned structural difficulties, implementation is further hindered by various habits and customs. The weight of custom and tradition makes it difficult to implement some provisions, such as recognition of the child's right to physical integrity and to protection against ill-treatment. Some social groups consider excision practiced on girls to be a necessary ordeal and therefore a normal cultural phenomenon.

36. It should be noted that corporal punishment is standard practice in the traditional education of children. In some Chadian social groups, and particularly among peasants, children constitute a valued productive asset, so that parents prefer to teach them practical skills in areas such as agriculture, livestock farming, fishing and hunting rather than to send them to school.

37. The major difficulties as regards fulfilment of obligations arising from the Convention are partly material, due to limited budgetary resources, and partly administrative, due to a lack of motivation on the part of State officials who are not paid.

II. DEFINITION OF THE CHILD

38. In Chad, as in other countries in Africa, children are traditionally considered to be one of the family's most treasured possessions. They are a source of wealth and of social and economic strength for the clan. Our traditions have always led us to protect and promote children, who are therefore under the protection of the entire community. Nowadays, however, children, who have always been so highly valued, are increasingly being left to their own devices.

39. From a legal point of view, a minor or child is a human being under the age of 18. Chadian legislation ensures various forms of protection for children, depending on their age group and the nature of the rights concerned. These various forms of protection cover the whole of childhod, from birth to the age of 18.

40. Under article 53 of the Penal Code, anyone over the age of 18 is considered an adult. With regard to the age of criminal responsibility, under article 52 of the Criminal Code, minors between the ages of 13 and 18 may be sentenced to imprisonment in cases where a criminal conviction is called for.

A. Legal and medical counselling

41. Chadian legislation lays down no minimum age for legal and medical counselling without parental consent. The same is true of sexual consent. However, court practice assimilates the consummation of a customary law marriage of a girl under 13 to rape, and the perpetrator is liable to a sentence of long-term forced labour. The penalty will be forced labour for life if the rape is committed with the assistance of one or more persons or by a relative of the victim in the ascending line. The relative will be automatically deprived of parental authority. All these measures are laid down in articles 272 to 278 of the Penal Code.

B. End of compulsory education

42. The right to education and vocational training is guaranteed by article 35 of the Constitution. State education is non-religious and free. Compulsory schooling lasts for nine years from the age of six. In practice, parents make a considerable contribution to the running of schools (800 million CFA francs in 1995). This means that the right to a free education as laid down in the Constitution is not implemented in practice.

C. Legal minimum age of employment

43. In Chad the minimum age of employment in some non-hazardous jobs varies from 12 to 14. Where other jobs considered dangerous are concerned, the minimum age is 18, in conformity with decree No. 55/PR/MTJS/DTMOPS of 19 February 1969 relating to child labour. Article 13 of the Decree stipulates that offenders shall be liable to the penalties laid down by article 181 of the Labour and Social Security Code. These rules apply only to children working in industry. The informal sector, which plays a major role in the national economy, is not organized; a large number of children work in the sector and ways of regulating it are being considered.

D. Voluntary enlistment into the armed forces and conscription

44. Under article 14 of ordinance No. 01/PCE/CEDNACVG/91 of 16 January 1991 (armed forces reorganization ordinance), the age of recruitment is set at 18 for volunteers and 20 for conscripts.

E. Voluntary testimony in court

45. At the examination stage, and with the exception of the arraignment when a juvenile is simply required to give his identity, family, educational and occupational status and charged in the absence of his parents or a lawyer, the examining magistrate is required automatically to appoint defending counsel if the parents have failed to do so. Even if a juvenile is to be heard as a witness, he may testify only in the presence of his parents and does not take the oath. The same applies before trial courts.

F. Consent to marriage

46. Under article 144 of the 1958 French Civil Code, which is in force in Chad, men aged under 18 and women aged under 15 may not contract matrimony. However, in practice customary marriage is often entered into below the minimum legal age.

III. GENERAL PRINCIPLES

47. The Constitution of the Republic of Chad devotes an entire section (arts. 12 to 58) to fundamental rights and freedoms, including the rights of the child. Certain sections of the Constitution bestow on children the same rights as those set forth in the Convention on the Rights of the Child. Moreover, the general conditions under which the rights of the child may be exercised are guaranteed by principles such as the primacy of law and political pluralism.

48. Although there are a number of impediments to the implementation of the Convention, Chad has experienced no serious and systematic violations of the rights of the child. Violations of human rights occasionally occur and are denounced by associations. It is hoped that the challenge will be taken up by the relevant institutions when they are finally established.

A. Non-discrimination (art. 2)

49. The principle of equal rights for all children without distinction of birth, set forth in article 2 of the Convention, is taken up by Chadian legislation, which confers equal legal status on children born in wedlock and children born out of wedlock, provided they are recognized. Parents and children have rights and responsibilities towards each other. Adoptive children by virtue of their adoption acquire the same status as their adoptive parents' children (arts. 356 to 358 of the French Civil Code, applicable in Chad).

50. Article 2, paragraph 1 of the Convention sets forth other circumstances that must not affect the legal status of children, such as their race, colour, language, religion, political or other opinion, national, ethnic or social origin, property, disability or other status of their parents or legal guardians. Paragraph 2 of the same article of the Convention requires States to protect children against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

51. The essence of these two paragraphs is taken up in article 14 of Chad's Constitution, under which the State ensures equality for all before the law without distinction as to origin, race, sex, religion, political opinion or social status. This principle of non-discrimination as set forth in the Constitution, which is systematically applied, applies to all spheres covered by the Convention. It should be mentioned, however, that in practice there are difficulties in ensuring compliance with the principle.

Non-discrimination against girls

52. The adoption of the Convention on the Elimination of All Forms of Discrimination against Women represents a concrete step towards combating this form of discrimination. The Ministry of Education, with the support of the World Bank, is making major efforts to avert the exclusion of girls. A technical unit has been established to encourage schooling for girls. In this sphere, the Government intends to increase the number of and support for women's educational and literacy centres to reduce school fees for girls,

and to encourage and improve access to basic education for girls, in both quantitative and qualitative terms. However, the weight of tradition still prevails. The change in attitude apparent among governmental and non-governmental circles regarding non-discrimination is just as important as legislation. An awareness of the discrimination suffered by many underpriviledged children in Chad on account of poverty and the political and military crisis has helped to mobilize society on behalf of children, as shown by private-sector initiatives to protect deprived children such as the Association of Friends of Drug-Addicts, Children of the Earth, or the Association for the Protection and Promotion of Chadian Street Children.

53. The Government of Chad would like to refer to the situation of children when their parents separate. Parents rarely submit the question of custody and child support to the courts and children are generally left in the custody of their mother.

B. Best interests of the child (art. 3)

54. Public and private institutions, the courts, the administrative authorities and legislative bodies are required, in all their activities relating to children, to be guided by the best interests of the child. This principle is set forth in the Constitution, article 38 of which states in substance that parents possess the natural right to raise their children. This right may be withdrawn if they fail in their duty.

55. Protection of the best interests of the child is guaranteed by the courts. The term "best interests" means everything that contributes to children's physical, mental and social development in order to ensure the full and harmonious development of their personality. Consequently, priority is given to ensuring that children receive protection and assistance in all circumstances. This consideration is taken into account in both civil and criminal legal proceedings.

1. Proceedings before the civil courts

56. Various civil court actions guarantee the best interests of the child.

(a) Paternity suits

57. Paternity suits are frequently brought before the courts nowadays. The suit is filed by unilateral application to the appropriate court (the defendant's court of domicile). The case is examined and heard in a closed session. Only the decision is handed down in a public hearing. In such cases, the best interests of the child are taken into account because establishing their paternity spares them the unpleasant consequences of being of father unknown, a status which is very badly viewed in Chad.

(b) Divorce and separation suits

58. In any dispute involving children, the court takes steps to safeguard the best interests of the child. Thus, in divorce or separation suits, the court orders an investigation by a social worker, in the sole interests of the child, in order to determine which of the two parents is best suited to have custody, regardless of any other considerations. If the report determines that neither parent is suitable, a third party may be given custody.

(c) Maintenance suits

59. The provisions of the French Civil Code in force in Chad allow a child born out of wedlock and whose paternity has not been legally established to bring a suit against all those who had relations with his mother at the time of his conception. This suit is brought by the mother while the child is still a juvenile. This procedure secures the best interests of the child insofar as women with no means of subsistence will cast off or abandon their children if these are not recognized. While this procedure benefits natural children, however, it is rarely instituted by women because they are unaware of the law.

(d) Succession

60. Under the provisions of article 745 of the Civil Code, children from different marriages inherit from their father and mother without distinction of origin or parenthood. They inherit in equally portions and per capita when they are all in the first degree and take in their own right.

61. The Government of Chad would like to point out that because of the coexistence of customary law and French civil law, women and children encounter difficulties in inheriting and even in being recognized as heirs in certain spheres. The Civil Code applies only to individuals who have voluntarily expressed their willingness to come under its sway (for example, in a marriage before the civil registrar) and the bulk of the population observes local customary practices.

62. Article 70 of ordinance No. 6-67/PR.MJ of 21 March 1967 (judicial reform ordinance) stipulates in essence that succession is governed by the customary law observed by the deceased. However, certain forms of customary law exclude women and children from the estate, thereby discriminating between female and male heirs (Muslim customary law). Consequently, it cannot be said that the best interests of the child are guaranteed by the observance of certain forms of customary law. The Government intends to solve the problem by drafting a family code which will apply to all without distinction; the code is currently being prepared.

(e) The obligation to provide child support

63. If a father recognizes a child but shows no concern for it or fails to contribute to the household budget, the mother may bring a suit before the competent court or magistrate to obtain child support for the child's education and upkeep. If the father fails to comply with the decision, the law authorizes an attachment order on salary, enforced directly through the employer.

2. Criminal proceedings

64. This concerns crimes and offences committed against children. The provisions described below take into account the interests of children. Persons guilty of offences against them are severely punished.

(a) Induced abortion is penalized by Chadian law. Article 296 of the Penal Code provides that "anyone who, by means of food, drink, medicines, manipulations, violence or any other means, induces or attempts to induce the abortion of a pregnant or supposedly pregnant woman with or without her consent shall be sentenced to between one and five years' imprisonment and to a fine of between 50,000 to 500,000 francs".

(b) Abduction, concealment, destruction of a new-born infant, substitution of one child for another or attributing a child to a women who has not given birth (Penal Code, arts. 286 and 287), with aggravating circumstances as set forth in the articles cited above.

(c) Abduction or kidnapping of a minor (Penal Code, art. 289) and failure to present a child (Penal Code, art. 291). This concerns children whose custody is granted by a temporary or final decision of the courts. The offence is punishable under article 292 of the Penal Code.

(d) By wilfully striking and wounding, or depriving of food or care jeopardizing the health of a child aged under 13 (Penal Code, art. 254).

(e) Exposing or abandoning a child or handicapped person (Penal Code, art. 250).

(f) Indecent behaviour, which includes the following offences:

Completed or attempted indecent assault without violence on a child of either sex (Penal Code, art. 273);

Rape of a child aged under 13 (Penal Code, art. 276, which also sets forth aggravating circumstances);

Exploitation of the prostitution of minors (Penal Code, art. 277).

C. The right to life, survival and development (art. 6)

65. These provisions of the Convention are taken up in article 17 of the Constitution, which stipulates that "every individual shall have the right to life, to physical integrity, security, liberty and protection of his privacy".

66. Under article 37 of the Constitution, the State and the decentralized territorial communities are responsible for ensuring the well-being of the family. This responsibility also extends to requirements for the development and welfare of youth. The specific care of children is the responsibility of their parents. The Civil Code expressly stipulates that parental obligations include the obligation to provide for the upkeep of children and to look after their life, health and education.

67. In the criminal sphere, the Penal Code penalizes acts that jeopardize the survival and development of children: articles 296, 244, 229, 252 and 295 penalize abortion, (with the exception of abortions performed for medical purposes), rape, infanticide, wilful homicide, wilfully striking and wounding and abandoning one's family.

D. Respect for the views of the child (art. 12)

68. This provision of the Convention is covered by article 389 of the Civil Code, which stipulates that children are entitled to be represented by an ad hoc court-appointed administrator in cases where their interests conflict with those of their parents.

69. Article 358 of the Civil Code further stipulates that anyone who wishes to adopt a child, and any child aged under 16 who wishes to be adopted, must appear before the magistrate of the place of residence of the adoptive parent or before a notary in order to draw up an act setting forth their mutual consent. If the adoptive child is aged under 16 the act is signed on his behalf by his legal guardian. In addition to suits for child support, paternity or maternity, suits may be brought by a child's legal guardian to protect the child's property.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

1. Name

70. In Chad all citizens are entitled to a name and forename. In conformity with article 1 of ordinance No. 3 of 2 June 1961 relating to civil status, the parents or persons having attended the birth of a child are required to declare the birth within two months to the civil registry within whose jurisdiction the birth took place. This period is extended to four months for nomads and herdsmen practising transhumance. After this period, declarations will require a supplementary decision before the birth certificate can be drawn up by the registrar (art. 9). Changes of name and corrections may be made only in conformity with the provisions of the Act referred to above.

2. Nationality

71. Nationality legislation is essentially based on the principle of descent. Accordingly, Chadian nationality is normally reserved for persons whose parents are Chadian. Children may also receive Chadian nationality by virtue of jus soli if they were born in Chad and have not acquired any other nationality, or if they were born in Chad to unknown or foreign parents. Furthermore, ordinance No. 33 of 14 August 1992 (Nationality Code) contains provisions bestowing on children the right to Chadian nationality in certain special circumstances (arts. 14 to 25). The purpose of these articles is to ensure that in all cases children have a nationality.

B. Preservation of identity (art. 8)

72. Chadian legislation protects the identity of both legitimate and natural children until their death. To ensure this protection, parents are required to have a child registered at birth. Each child registered in the birth registry is given a personal identity number indicating the date of birth.

73. Investigations to determine paternity are provided for by the law in order to determine the paternity of children born out of wedlock.

74. All persons registered in the civil registry are entitled to consult information relating to them.

75. Loss and deprival of nationality are possible only in the cases specified by law (Nationality Code, arts. 26, 27 and 28).

76. Furthermore, several articles of the Penal Code penalize the abduction or concealment of a child for the purpose of falsifying his civil status (Penal Code, arts. 286 and 290). Persons guilty of substituting one child for another or of falsely attributing a child to a woman who has not given birth to the child are punished by law (Penal Code, arts. 187).

77. It is clear from the foregoing that the Government of Chad protects children against the spoliation of any element of their identity.

C. Freedom of expression (art. 13)

78. In conformity with article 27 of the Constitution, the State guarantees freedom of expression for all. It may be restricted only by the need to respect the rights and freedoms of others and the need to safeguard public order and decency. The Constitution has been put into practice by a Press Act which has been extended to allow all citizens the right to freedom of expression without any form of hindrance.

D. Access to information (art. 17)

79. As mentioned above, access to information is guaranteed by the Constitution (art. 27). Decision No. 2062/PR/MIOC/DG/90 of 11 July 1990 established a national press commission for the purpose of drafting a special programme for children.

80. Children are potential consumers of the mass media's output, and most town children read the newspapers. Many of them spend their time watching television, which is broadcast only in the capital. They are mainly interested in musical and theatrical programmes. The radio and television networks are supervised by the Communications Council, which is required to ensure that citizens are served equally.

81. While parents are responsible for educating children and supervising their television viewing, the State assumes some responsibility by keeping a close watch on programmes portraying violence or pornography. In principle, programmes unsuitable for children may be broadcast only late at night.

82. Chadian legislation prohibits the broadcasting or projection of violent or pornographic films for commercial ends. A censorship commission has been set up, but unfortunately is not operational. As a result, in practice programmes frequently portray violence and occasionally pornographic scenes which are harmful to children's education.

83. On account of the State's difficult circumstances, there are only a few libraries, some public libraries in culture centres and in the children's section of the French Cultural Centre, and a few private libraries.

E. Freedom of thought, conscience and religion (art. 14)

84. Freedom of thought, conscience and religion is guaranteed by article 27 of the Constitution. All Chadian citizens may worship in public or in private provided they do not jeopardize public order or decency. The right of everyone to join or to leave a religious community is recognized. All Chadian citizens have the same rights and duties, whatever their religious community. In practice, social and cultural customs render the choice of religion difficult.

F. Freedom of association and of peaceful assembly (art. 15)

85. Freedom of association and of peaceful assembly is a constitutional principle (art. 27). A number of national legal texts regulate this right: ordinance No. 27/INT/SUR of 12 July 1962 and decree No. 165 of 23 August 1962 regulating associations, and ordinance No. 45 of 27 October 1962 regulating meetings. A number of associations have been established on the basis of these texts to protect the rights of children. They include the League for the Promotion and Defence of the Rights of the Child, the Association for the Protection and Advancement of Street Children in Chad, the Association to Combat Infant Mortality and the Chadian Family Welfare Association.

G. Protection of privacy (art. 16)

86. Article 17 of the Constitution affirms the right of every individual to life, physical integrity, security, liberty and to protection of his privacy and property. The confidentiality of all forms of correspondence and private communications is inviolable and protected.

87. Article 42 of the Constitution guarantees the inviolability of the home. Searches and investigations are conducted in conformity with the terms and provisions set forth in the Code of Penal Procedure (arts. 108-118). House searches and the seizure of evidence require the presence of the party concerned. If the person is absent or refuses, the operation must take place in the presence of relatives or acquaintances or failing this, of two witnesses, who may not be selected among judicial or police personnel.

88. Article 108 states that unless a request is made from within the house, no search of premises or house search may begin before 5 a.m. or after 7 p.m. Nevertheless, any search that has duly begun may be continued until it is completed. Article 154 of the Penal Code lays down penalties for any administrative or judicial official who enters a citizen's home against his will or in circumstances other than those laid down by the law and without complying with the required formalities.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37)

89. Chad is party to numerous international instruments, including the African Charter on Human and Peoples' Rights, the 1966 International Covenants, the International Convention on the Elimination of All Forms of Racial Discrimination and the 1949 Geneva Conventions, which contain specific provisions to prevent torture and ill-treatment, as well as to

the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It has made no reservations to this Convention and has recognized in full the competence vested in the Committee against Torture. In Chad, the prohibition on torture is a constitutional principle (art. 18) and a number of legislative measures have been taken to give full effect to this prohibition (Penal Code, art. 247). Specific provisions punish persons guilty of using violence against juveniles and jeopardizing their health by depriving them of food or care (Penal Code, art. 254).

90. The death penalty is not applicable to minors. The courts may adopt only protective, supportive, supervisory or educational measures in respect of juveniles, as appropriate. Article 2 of the decree of 30 November 1928 further specifies that such measures apply only to minors aged under 13.

91. In the criminal sphere, articles 22-25 of the Constitution specify that all accused persons are presumed innocent until proved guilty in a proper trial offering essential guarantees for their defence. No one may be held guilty of and prosecuted for an act he has not committed. No one may be arrested or charged except by virtue of a law promulgated prior to the acts of which he is accused.

92. Police custody is subject to judicial control. It may not exceed 48 hours, but may be extended once by a further 48 hours by express authorization of the Public Prosecutor. The person held in custody may remain in contact with his relatives. Anyone prosecuted for a criminal offence has the right to be present at his trial to assure his defence or to take counsel of his choosing.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5) and parental responsibilities (art. 18, paras. 1-2)

93. In Chad, family life is the basis for the education of children. Social policy therefore acknowledges the fundamental role of the family in the biological, psychological and social development of the child (art. 37 of the Constitution). It further recognizes the importance of prevention services, which are intended to provide parents with guidance on how to look after their children.

94. Constitutional provisions on the relationship between parents and children recognize that parents jointly have the duty and the right to protect their children. Articles 38 and 39 of the Constitution devote special attention to the needs of parents. Thus, the Government has recently been focusing on plans to establish day-care centres and nurseries for the children of working mothers. The State also runs public pre-school establishments and schools.

95. According to the Civil Code, the person holding parental authority over children is responsible for their education and development. This responsibility may be assumed only in the best interests of the child. Parental authority is not always attributed to the biological parents, although they have to contribute to their child's support. On the death of

one parent, the survivor becomes the legal guardian with the right to raise and educate the offspring. On the death of both parents, the family council appoints a guardian to assume parental authority.

96. In the event of divorce, joint parental authority may be maintained unless the parents decide otherwise, or the court, acting in the best interests of the child, grants it to one of them.

97. Under articles 291 and 295 of the Penal Code, failure to act in the best interests of a child and desertion of the family are considered offences.

B. Separation from parents (art. 9)

98. The purposes of marriage contracted between a man and a woman according to law (customary or civil) include founding a family on the basis of affection and mutual assistance, morally protecting the spouses and preserving family ties by safeguarding their interests, and protecting and educating the couple's children. It is therefore natural for children to live with their biological parents unless separation is in their best interests; only the courts may order such separation. If children's health, morals or education are jeopardized by their parents' behaviour, they may be provided with protection and educational assistance. Custody arrangements made by a court may be modified or revoked at the request of the parents or the Public Prosecutor.

C. Family reunification (art. 10)

99. Chadian law does not include any specific provision on family reunification. However, article 27 of the Constitution guarantees freedom of movement to all citizens. The right to enter and leave the country is recognized. The only requirements for leaving the country are the standard customs and border police inspections and possession of a valid travel document (passport or travel card).

100. Foreigners also have the right to freedom of movement subject to conditions specified by law. They may be expelled only pursuant to an expulsion order issued by the Ministry of the Interior, and the person concerned must be given notice of the decision.

D. Recovery of maintenance for the child (art. 27)

101. Chad has specific legislation to facilitate recovery of maintenance for a child. Requests for maintenance are always handled expeditiously by the courts. In cases of failure to obey a court order to provide maintenance, the law authorizes the attachment of wages (Code of Civil Procedure, arts. 274-291). Refusal to pay maintenance also renders a person liable to criminal sanctions under article 295 of the Penal Code.

102. The Chadian Government would like to add that, owing to the country's economic difficulties, debtors are very often unable to pay their debts, so that there are many cases of unpaid maintenance.

103. Recovery is always difficult in cases where the person liable for maintenance and the recipient live in different countries. Ratification of the various conventions on recovery of maintenance would therefore facilitate matters. The instruments in question are the Convention on the Recovery Abroad of Maintenance, signed at New York in 1956, the Convention concerning the Recognition and Enforcement of Decisions relating to Maintenance Obligations towards Children, signed at the Hague in 1958, and the Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations, signed at the Hague in 1973.

E. Children deprived of a family environment (art. 20)

104. As stated above, the law authorizes removal of children from their natural environment if their health, morals or education are seriously jeopardized. In such cases, the Government provides replacement care, through the Ministry for Women, Children and Social Affairs. As part of that policy, the Koundoul Centre for Children has been set up to care for orphans and children suffering from physical or moral neglect. Children may be exceptionally admitted to this Centre by decision of the Ministry of the Interior at the suggestion of the Ministry for Women, Children and Social Affairs. The Centre has the capacity for 400 children but, owing to insufficient resources, it currently houses only 50.

105. These children are regularly visited by social workers, who see that they are given proper care. While at the Centre, they receive schooling and vocational training to prepare them for resettlement. In addition to these State services, private agencies have established institutions for children with special needs.

F. Adoption (art. 21)

106. Both simple and full adoption are authorized by the Chadian Civil Code (arts. 343-370). International adoption has always been relatively rare in Chad. Between 1993 and 1996, the N'Djaména High court of justice, which has jurisdiction over requests for international adoption, received eight such requests and granted four of them. The recently established Child Protection Office monitors such children after adoption. Another type of adoption is the so-called intra-familial adoption.

G. Illicit transfer and non-return (art. 11)

107. Based on the belief that children need to maintain continuing emotional ties with parents from whom they are separated, wherever they live and whatever the circumstances, the law has ensured the best possible protection for them by guaranteeing effective exercise of custody, access and staying rights. In addition to national legislation, bilateral judicial agreements have expanded this protection.

108. It has been the consistent jurisprudence of the courts in Chad that if the person with custody of a child wishes to move to another country, the court may either revoke or maintain such custody, in the light of the best interests of the child. Non-restitution, failure to hand over a child, kidnapping and abduction are all punishable under the Penal Code (arts. 288-291).

109. In implementing bilateral conventions, Chadian courts ensure respect and guarantees for the rights of children and the representation of their interests. Legal decisions on such matters are duly notified to the parties concerned who reside in Chad.

110. On 12 September 1961, Chad signed the so-called Tananarive Convention on mutual assistance, article 30 of which stipulates that decisions handed down by the courts of either of the contracting Parties shall be implemented and have full authority of res judicata in the territory of the other.

H. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

1. Violence and neglect

111. The protection of children is covered by the provisions of the Constitution which guarantee protection of citizens in general. Under article 55 of the Constitution, the State has the duty to protect the legitimate interests of Chadian nationals abroad. Article 17 guarantees inviolability of the person and article 18 prohibits degrading or humiliating treatment or punishment and torture.

112. A series of articles of the Penal Code deal with child abuse and denial of food and care detrimental to children's health (art. 254). The penalties vary from 1 to 10 years of prison, depending on the consequences of the act. However, if assault and battery, acts of violence, abuse or privations are inflicted with intent to kill, the perpetrator will be held guilty of murder or attempted murder. In Chad, parental abuse of children is punished according to the gravity of the act. Parents' exercise of the right to punish their children may be interpreted as abuse if the child is physically harmed.

113. Child exposure and neglect are also punishable by law (arts. 250-251). Exposure is subject to a capital sentence if it results in death. Kidnapping, failure to present a child, (arts. 289 and 291), desertion of family (art. 295) and rape (arts. 275-278) are also punishable. Rape by a relative in the ascending line constitutes an aggravating circumstance for purposes of sentencing (art. 276). It is also illegal to incite a minor to immoral behaviour or soliciting (arts. 279-282).

114. There is no slavery or forced or compulsory labour in Chad. The Government has ratified the international conventions which forbid these practices, including International Labour Organization (ILO) Convention No. 29 (1930) on forced labour and ILO Convention No. 105 on the abolition of forced labour (1957).

2. Physical and psychological recovery and social reintegration

115. In addition to the activity of the Social Affairs Ministry, various private agencies, with technical assistance provided by NGOs, sponsor programmes on behalf of the deprived sector of the population aimed at providing psychological counselling and support to street children and children in trouble, and combating delinquency, drugs, smoking and alcoholism.

J. Periodic review of placement (art. 25)

116. Because children are human beings with developing personalities, their behaviour, expectations and needs change very rapidly. It is therefore difficult to evaluate or determine their interests once and for all. For this reason, decisions concerning children are subject to change at any time as required by their interests. There is no system for post-placement monitoring of children, but these programmes will be developed when juvenile courts are established.

117. For the moment, Chad has no statistics or specific data concerning the number of orphaned, disabled, battered, kidnapped, homeless, delinquent, drug-dependent or otherwise disadvantaged children. The Government is determined to address this aspect of the question in future.

VI. BASIC HEALTH AND WELFARE

118. The Government plans to give priority in its development policy to major community health problems, to personal constraints and problems of a physiological or nutritional nature and, above all, to problems related to the survival and development of children.

119. Like other countries, Chad has endorsed the spirit of the International Conference on Primary Health Care, held at Alma-Ata in 1978, which laid the foundations for a national policy to combat disease through incorporation of the concept of primary health care as part of the health for all by the year 2000 strategy.

A. Measures taken by the Government in implementation of the Convention

1. Survival and development of the child (art. 6, para. 2)

120. Underprivileged children have suffered lasting damage from the socio-economic changes, natural disasters and armed conflicts which the country has experienced. Often, unable to face so many difficulties, they find themselves excluded or experiencing hardship.

121. Ever since Chad's independence, social development in general and the question of survival in particular have been the Government's primary concerns. This policy has been reaffirmed in Chad in the Year 2000 Orientation Plan.

122. Marginalization of children is not new in Chad. In the years immediately following the country's independence, the Government recognized the problem and took steps to address it by establishing two rehabilitation and observation centres, through decrees Nos. 3289/Aff. sociales of 22 December 1961 and 013/Aff. sociales of 4 January 1962. The institutions in question are the Koundoul Rural Children's Centre (CRJK) and the Sabangali Sorting and Observation Centre. A Child Protection Office was established under the Ministry of Justice by decree No. 0033/PGUNT/MJ of 2 February 1982.

123. Decree No. 100/Aff. sociales of 18 June 1963, which regulates the movement of children under 16 years within the country, specifies the conditions under which children are admitted to cinemas and bars.

124. The Government has adopted a transitional plan in order to ensure adequate health coverage throughout the country. In that regard, the State has established a national health policy based on sectoral consultations by the Round Table on Health and Social Affairs (Administrative Order No. [illegible] of 15 July 1996).

[illegible] with regard to the management of young children, a number of kindergartens have been opened since 1996. Chad now has 29 kindergartens. In addition, public Government policy in this area has also called for the establishment of community day-care centres.

[illegible] a national committee has been set up to develop a family [illegible] and the implementation of the national keystone [illegible] assistance for children and disabled persons under the Ministry [illegible] a department for children and disabled persons under Decree No. [illegible] of [illegible] social affairs was entrusted to [illegible] for:

[illegible] at a provincial level, this office is responsible for:

[illegible] Implementation of the Convention on the Rights of the Child;

[illegible] Developing and implementing a children's code;

[illegible] Combating harmful traditional practices which pose a physical and social danger to children (such as excision, infibulation, ablation of the [illegible] and dietary taboo);

[illegible] Personnel training;

[illegible] Incorporating information and awareness programmes on family life in the media;

[illegible] Combating enlistment of children into the army and contributing to the reintegration into society of child soldiers;

[illegible] Working to establish and organize kindergartens and rehabilitation centres;

[illegible] Working to establish orphanages, day-care centres and nurseries for abandoned children.

127. An Urban Programme for Children in Especially Difficult Circumstances has also been established under the joint supervision of the Ministry for Women, Children and Social Affairs and the Ministry of Justice. This programme includes two projects: an urban development/children in especially difficult circumstances project in N'Djaména and a project for the training and rehabilitation of children in the country's four major towns (Abéché, Bongor, Moundou and Sarh).

128. In order to create a favourable climate for the launching of large-scale projects, the Government, with the support of UNICEF, has organized several meetings and forums on implementation of the Convention:

- A one-day meeting of judges, labour inspectors and justices of the peace on implementation of the Convention (1994);
- A workshop on the problem of children in especially difficult circumstances, (April 1994);
- A symposium on caring for young children and parental education;
- An information and awareness seminar for mayors and judges on new legislation on behalf of children, (February 1996);
- A seminar on the problem of children in the army, (September 1996);
- A seminar for staff looking after children in especially difficult circumstances.

129. The Government has also developed plans to renovate rehabilitation centres and open new ones, as well as to create new orphanages and day-care centres. Efforts have also been made to lobby decision makers in favour of following up the World Summit for Children through the National Programme of Action for Chadian Children (PROFANET). A significant Government action on behalf of children was the establishment of a National Centre for Nutrition and Food Technology and 23 nutritionist posts at social centres.

130. The Government's interest in setting up programmes to improve the living conditions of children and provide them with better care is a sign of increasing national awareness of these issues and, above all, of the Government's commitment to children.

2. Disabled children (art. 23)

131. Chad has no reliable statistics on this sector of the population. However, according to the results of a survey carried out by the Department of Social Affairs in 1989, the country has a total of 487,000 disabled persons of all types, including 2,050 ex-servicemen.

132. By endorsing United Nations resolutions on disabled persons, the Government of Chad has expressed its willingness to prevent disabilities and to work towards the social and occupational rehabilitation of the disabled. This willingness has been demonstrated by the preparation of a series of studies on disabled persons in Chad. The first, carried out in 1984, dealt with the "occupational rehabilitation of disabled persons in Chad" and resulted in the establishment of disabled persons' associations in accordance with the recommendations made in the study. The country now has over five major associations, some of them with branch offices.

133. Government and NGO activities on behalf of disabled persons include:

(a) A programme for the rehabilitation of disabled persons under the Ministry for Women and Social Affairs, established in 1984;

(b) A survey on disabled persons, carried out in May 1990;

(c) A national awareness and information seminar on disabled persons;

(d) Plans to establish a reference centre in N'Djaména with two provincial offices;

(e) A division on disabled persons in the Department of Children, established in 1993 and attached to the Department of Social Affairs in 1995;

(f) Three prosthetic fitting and rehabilitation centres, established by NGOs at Bongor, Moundou and Bissimafou (Pala);

(g) Activities by Chad-based NGOs, including a prosthetic fitting and rehabilitation centre established at Kabalaye by Secours Catholique et Développement (Catholic Assistance and Development - SECADEV), a centre for blind children, a training centre for deaf children established by the Chadian Association for the Deaf (ANDAT) and primary schools for deaf children in N'Djaména and Sarh.

134. It should be noted that Government and NGO activities on behalf of disabled persons do not cover the mentally disabled.

3. Health and health-care services (art. 24)

135. In view of the health indicators, which are alarming, it may be said that the health-care services alone are not sufficient to improve the conditions and welfare of mothers and infants. This is why undernourished children are screened on the occasion of paediatric consultations in welfare centres. Morbidity in Chad is dominated by tropical diseases (such as malaria, bilharzia, filariasis and amoebiases), diseases targeted by the Expanded Programme on Immunization, and others such as tuberculosis, diarrhoea, and nutritional deficiencies, especially among children and expectant mothers.

136. The socio-economic and health situation in Chad is one of the most precarious in sub-Saharan Africa, as a result of recent events in the country, which either destroyed or led to the deterioration of the country's health structures.

137. Under the slogan Health for All by the Year 2000, which it supported, Chad has established a new health policy, based on primary health care. The health-care system in Chad is organized on three administrative levels:

(a) A central level, responsible for establishing health policies and strategies, where annual objectives are programmed, monitored and evaluated;

(b) An intermediate, "prefectural" level, responsible for liaising between the district and central levels, and for following up the implementation of health policy at the sub-prefectural level;

(c) A third level of districts and responsibility zones, in charge of meeting the social and health requirements of the population, especially women and children.

138. In order to implement the new health policy, the Government of Chad has set up an epidemiological monitoring and information system in order to monitor and take effective action against diseases responsible for the mortality and morbidity of the population.

139. Two programmes have also been launched with a view to protecting the most vulnerable group, namely mothers and infants. These are the Expanded Programme on Immunization and Diarrhoeic Disease Control (PEV/LMD), set up by decree No. 018/MSPAS/SE/DG/DAFM of 25 February 1992, and the National Maternal and Infantile Health and Family Welfare Programme (SMI/BEF), created by decree No. 443/MSP/DG/DAG/DIL/94 of 31 March 1984.

140. In accordance with the spirit of article 24 of the Convention, the PEV/LMD programme aims to immunize children against the seven reputedly fatal and crippling diseases of early childhood. It also aims to make oral rehydration salt capsules available to children and to train mothers and medical personnel to use them.

141. The objective of the SMI/BEF programme for maternal and infantile protection and family welfare is to intensify these activities and to extend them to the whole of the country, as well as to improve the nutritional condition of the population. Its targets are, by the year 2000, to reduce maternal mortality by half, pneumonia-related deaths among infants by one third and deaths caused by diarrhoea by 40 per cent, by raising the immunization coverage of the target population by 40 per cent per antigen.

142. As far as Chad's health facilities are concerned, the Department of Public Health has the following available in the country as a whole:

* 9 hospitals, including one national general hospital set up under Act No. 08/PR/94 of 10 February 1994;

* 22 medical centres;

* 302 dispensaries;

* 38 health-care and specialized service stations;

* 27 infirmaries; and

* 46 territorial districts with populations between 100,000 and 250,000.

143. In order to satisfy the health needs of the population in general and those of mothers and infants in particular, the Government has gradually

been training social health workers, both inside and outside the country, especially at the Ecole nationale des agents sanitaires et sociaux and the Faculty of Science and Health in N'Djaména. There are at present 4,181 medical staff of all categories employed in the country's health-care facilities. Details concerning the distribution of health-care personnel are given in tables III.7 to III.9 in the annex.

144. The financial resources of the public health system are a combination of external aid and State funding. In 1995, the external aid component of the health budget increased. It was made up as follows:

Multilateral aid (gifts and loans)	84.26 per cent
Bilateral aid	12.23 per cent
NGOs	3.51 per cent

Outside assistance covers 90.78 per cent of health expenditure and State financing 9.22 per cent. This shows that Chad is still extremely dependent on outside aid. Details concerning Chad's health budget trends are shown in tables III.10 to III.12 of the annex*.

4. Social security and child-care services and facilities (arts. 26 and 18, para. 3)

145. Despite the efforts made by the Government to set up and expand health-care facilities, these are still very inadequate. As a result, the social welfare conditions of the population, and especially children, are precarious. The vulnerable sector of the population is, however, entitled to various public and private welfare services, such as the Caisse nationale de prévoyance sociale (CNPS). Under article 336 of the Labour Code, every employee or employee's spouse who is expecting a child is entitled to prenatal benefits, provided that her marriage has been duly registered. The amount of prenatal benefits is determined by decree No. 428/PCMS/SGG of 31 December 1977. A declaration of pregnancy must be sent to the CNPS, together with a medical certificate. Payment of benefits is subject to medical examinations at the third, sixth and ninth months of pregnancy.

146. Under article 340, family allowances are paid to workers for every dependent child from birth up to the age of 14. In the first year, payment is subject to regular medical examination of the infant. The age limit is raised to 17 for children in apprenticeship and to 20 for children undergoing a course of study, or who suffer from a disability or an incurable disease and are unable to hold paid employment.

147. In addition to those allowances, benefits in kind may be granted to a worker or to any qualified person using them exclusively for child care. These benefits are part of the health and social services provided by the CNPS and by medical care centres.

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* Available for consultation at the Secretariat of the Centre for Human Rights.

148. In the country as a whole, it is estimated that there are 24 CNPS welfare centres and 4 medical centres in N'Djaména, and 29 nurseries, of which 18 are public. There are four private orphanages, and two rehabilitation centres, of which only one is operational (the Centre espoir de Koundoul pour l'enfance); a special section was recently set up for juveniles in the N'Djaména detention centre. The objective assigned to those establishments is to provide psychological, moral and material assistance to the children in their care. They should also provide them with schooling and vocational training (in skills such as joinery, mechanics, handicrafts and sewing).

5. Standard of living (art. 27, paras. 1-3)

149. In Chad, the living conditions of children remain very precarious, although the exact facts and figures concerning poverty are not known. Chad is one of the least advanced countries, with a per capita GDP of US$ 220 in 1992. According to the human development index, it came 150th out of 160 countries in that year, and 165th out of 173 countries in 1993. In 1992, about 51 per cent of the total population and 44 per cent of the rural population were living below the poverty threshold. This situation has been further aggravated by the economic and social crisis affecting the country since 1991.

150. Other factors worth noting have been the decision to devalue the CFA franc by 50 per cent against the French franc and the extended structural adjustment, which had a negative impact on workers' living conditions owing to inflation and high prices in the markets. In the light of events, the Government of Chad raised the minimum wage (SMIG/SMAG) by decree No. 273/PR/MFPT/94 of 19 October 1994, and raised workers' wages by decree No. 313 bis/PR/95 of 7 April 1995 approving and implementing new pay scales.

B. Nature and extent of cooperation with local and national organizations of a governmental or non-governmental nature

151. It is satisfying to note that national and local organizations, both public and private, dealing with children are given a priority ranking by the Government. Under this policy, the State has facilitated and encouraged the creation of NGOs and has assisted their activities by issuing them with operating permits, and by providing the services of public officials to help look after children in especially difficult circumstances. The NGOs have also benefited from the State's financial and material support.

VII. EDUCATION

152. The educational system was not spared by the 1979 civil war. All development ceased on training, teacher qualification and infrastructure. Teaching material and equipment, which was already inadequate in public and private establishments, deteriorated still further.

153. Only in 1982 efforts began to be made by the Government and by parents' associations to rebuild the educational system. We may now look at the general situation regarding education in Chad, before highlighting prospects until the year 2000 and constraints.

A. Overview of the educational system

154. In view of the socio-economic situation in the country, the Government of Chad has made human development one of the keystones of its policy for the current decade, in an effort to improve the level of knowledge and the standards of living of the population.

155. Thus, the Sovereign National Conference, meeting in N'Djamena from 15 January to 7 April 1993, recommended supporting and implementing the education, training and employment strategy and programme. This policy was later confirmed in the Constitution of 31 March 1996, which declares, in articles 35-38, that all citizens are entitled to free, non-religious education, that basic education is compulsory, and that private education is recognized and may be conducted in accordance with the terms of the law. In order to implement this policy, the Government has set aside almost 16 billion CFA francs. Soon 20 per cent of the State budget will be devoted to education. Parents' associations are in addition contributing 800 million CFA francs to education.

156. Nevertheless, the extreme poverty of the Chadian educational system is undeniable, as may be illustrated with the following facts and figures.

1. Primary education

157. Attendance at primary schools is low, at a gross rate of 54 per cent, with considerable differences in this respect between girls (31.6 per cent) and boys (76.7 per cent). The internal efficiency of schools is low (with the average promotion rate at 55.7 per cent and repetition at 34.1 per cent), owing to a shortage of teachers (some 50 per cent are untrained substitute teachers, while 4 per cent are only instructors) and the low standards of education and qualification of some of the practising teachers. There is a drastic shortage of textbooks, with on average one book for three pupils. The sharp rise in the number of school children, from 424,942 in 1988/89 to 482,231 in 1989/90, an increase of 15.7 per cent, has led to the practice of merging different classes.

158. Infrastructures have stagnated for a number of years: among the 1,868 schools, 71 per cent of the premises are very simply built (in mud), and 63 per cent of these are in a poor state. As a result of a lack of furnishings, up to 80 per cent of pupils may have to sit on the ground. With the financial support of the World Bank, the African Development Bank and the European Development Fund, however, work has begun on building 1,097 classrooms, out of the 2,990 scheduled in 1995. Parents' associations and NGOs have made a considerable contribution to the new classrooms, as well as to the running expenses of some establishments, known as community schools.

159. In addition, the European Development Fund has budgeted for the renovation and equipment of 30 regional continuous training centres and the construction of practice classrooms in four teacher training colleges. The four other regional centres are suitably equipped.

160. Where institutional support is concerned, the main effort has been made by the World Food Programme in the form of food aid to school canteens. The

aim of this assistance is to increase school attendance in the northern and central parts of the country. It is also intended as a means of supplementing the income of replacement teachers and volunteer cooks. Other assistance has been provided for the running of primary schools, the main financial contributors in this respect being the World Bank and French Cooperation.

2. Secondary education

161. The number of students in secondary education has increased sharply, from 54,750 students in 1989/90 to 65,000 in 1991/92. The main difficulties in this area have been: the low proportion of girls (less than 16 per cent of the total in 1989/90), a lack of infrastructures and low internal efficiency, which is reflected in very high repetition rates (26 per cent).

3. Higher education

162. The main problems in higher education, in which 3,100 students were engaged in 1990/91, have been the shortage of teachers, high rates of repetition and many drop-outs. Girls account for only 2 per cent of the total.

4. Technical and vocational training

163. Technical education and vocational training are among the Government's priorities. The development of technical and vocational training has been slow, but steady, based on 18 establishments, including 3 lycées, 1 college and 14 training centres, of which 10 are active, for a total of 2,910 students in 1990/91. From a qualitative point of view, this area of education faces problems related to the lack of infrastructure, shortage of resources, etc.

5. Teacher training

164. Some 550 teachers are trained each year in other training institutions, such as the teacher training colleges of Moundou, Sarh, N'Djaména, Abéché and Bongor, in addition to the Higher Institute of Science and Education. Despite significant progress in recent years in the area of teacher training, there have been two main shortcomings: (a) too little use has been made of technical assistance, and (b) replacement teachers have difficulty mastering educational material.

165. Religious education has been a growing sector, with the main effort being made by civil society, some religious organizations and the Government. The latter has encouraged the development of private education by introducing greater flexibility in current legislation governing the approval of new private schools and by facilitating land purchase and loans for such schools.

B. Future prospects and constraints in the field of education

1. Prospects to the year 2000

166. In order to respond to a growing educational demand and in view of the international commitments it has undertaken, Chad is firmly resolved to implement the necessary strategies and actions to fulfil the following quantitative and qualitative objectives.

(a) Quantitative objectives

167. In accordance with the guidelines of the World Conference on Education for All in Jomtien, Chad has undertaken to raise access to primary education to 70 per cent. The gross rate of schooling would rise from 58.6 per cent (1990/91) to 72.4 per cent by the year 2000.

168. Public secondary education will see its numbers increase from 65,000 (1989/90) to 77,000 by the year 2000. In the same period, the private sector should increase from 5,000 to 15,000.

169. The numbers of students in technical and vocational training should meet the requirements of the various sectors of the economy.

170. The number of students in higher education will increase by a moderate annual average of 4.48 per cent. The emphasis will be placed on scientific and technological courses. The first year intake may amount to 1,800 students and the total number in higher education to 4,000 students by the end of the century.

171. The objective of the literacy campaign will be to enlarge access to knowledge and thus enable the population groups hitherto deprived of education to contribute more to the country's development. The annual number of learners will be gradually increased from 6,000 in 1991 to 35,000 by the year 2000.

(b) Qualitative objectives

172. For all types of education and training, the qualitative objective is based on: initial and continuous training of teachers and supervisory staff; updating of curricula; provision of teaching materials; physical restructuring of premises; strengthening of planning and management capability; and gradual decentralization of education and training services.

173. In short, the strategy of the Government of Chad is one of "preventive adjustment" of its education and training system to the job situation and to its funding capacity. The strategy also includes specific operations in response to Government priorities, such as measures to encourage school attendance by girls; measures to promote and support the development of private and spontaneous teaching; encouragement for the production and use of non-printed teaching materials; training of female extension workers for the promotion of literacy among women; and finding employment for handicapped persons.

174. In order to do this, the Government has set up a mechanism for decision-making, guidance and coordination of the Education, Training and Employment programme. By decree No. 765/PR/MPC/93 of 31 December 1993, a National Committee for Job-related Education and Training was set up, with an executive secretariat responsible for examining documentation prepared for the Committee and two technical bodies, Education, Training and Employment Monitoring and the National Fund for the Support of Occupational Training.

175. Implementation of the Education, Training and Employment programme and strategy by the end of the century is encountering many obstacles, which may jeopardize the continuity of the bodies that need to be either set up or reorganized. The constraints are as follows.

2. Constraints

176. The principal constraint on the implementation of the programme lies in the instability that prevails in the civil service in general, and more specifically in the Department of Education. This is partly due to the Government's difficulties in paying civil servants regularly, which reduces the chances of completing a normal school year and undermines the willingness of State employees to collaborate in implementing the programme.

177. The slow bureaucratic procedures for calls for tenders and for disbursement of funds tend to jeopardize the programme's timetable in the areas of construction and equipment. The new coordination mechanism might, however, alleviate this constraint.

178. High mobility and frequent structural changes in the administration may also disrupt the smooth running of the programme.

C. Aims of education (art. 29)

179. Chad's educational system has two essential objectives:

(a) The chief objective of basic education, which is to provide education for all, ensuring the fulfilment of the child's personality, talent and physical and mental aptitudes;

(b) The objective of preparing the child to accept responsibilities in life and to become self-reliant.

D. Leisure, recreation and cultural activities (art. 31)

180. Right from the outset of its independence, Chad gave an important place to the full development of the child in the cultural, sporting and artistic spheres. As a consequence of this there are cultural centres, public libraries and a public reading network in many towns.

181. Articles 33 and 34 of the Constitution of 31 March 1996 stipulate that every citizen of Chad has the right to culture. It is the duty of the State to safeguard and promote the national values of civilization. Every citizen has the right to create, to enjoy protection of and to benefit from his or her intellectual and artistic works. The State promotes and protects the national cultural heritage and artistic and literary achievement. Chad is a country with a cultural tradition, as can be seen from the various ballet and theatre companies and museums. Furthermore, within the Ministry of Culture, Youth and Sports there is a Department of Culture, the essential task of which is to promote culture and the production of artistic works. Unfortunately its resources are at present limited.

VIII. SPECIAL PROTECTION MEASURES

182. As soon as it acquired national sovereignty, Chad granted very high priority to the rights of the child, guaranteeing them by some special measures.

A. Children in situations of emergency

1. Refugee children (art. 22)

183. As a result of the 1979 civil war over 100,000 refugees were listed in Cameroon alone. To deal with this situation, the Government of Chad pays special attention to the rights and needs of refugees without discrimination, subscribing to the various international instruments relating to the status of refugees. In particular, the Geneva Convention of 28 July 1951 and the New York Protocol of 31 January 1967 were ratified by ordinance No. 004/PGUNT/SGG of 25 July 1981 and the implementing decrees No. 041/GUNT/AFFETCOOP/DG/APOI of 27 July 1981 and No. 042/GUNT of the same date.

184. At the regional level, Chad subscribes to the African Charter on Human and People's Rights of 12 October 1986, according to which liberty, equality, justice and dignity are essential objectives for the attainment of peoples' aspirations. In February 1992, it organized a symposium on the return of refugees in Africa.

185. At the national level, Chad granted a general amnesty to political detainees, prisoners and exiles by ordinance No. 06/PGUNT/SGG of 29 July 1981. By decree No. 1242/PR/91 of 5 December 1991, it set up a national committee for the reception of refugees. The Government has not, however, adopted any legislation dealing specifically with the problems of refugee children.

186. Besides refugee children, attention should be drawn to the situation of children who are displaced as a result of natural disasters (such as drought), which presents serious problems.

2. Children affected by armed conflicts (art. 38), with an indication of measures to promote physical and psychological recovery and social reintegration (art. 39)

187. Children are the principal victims of the bloody and devastating civil wars that have occurred in Chad since 1979. Many of them have been killed and others have been orphaned and/or handicapped for life. The presence of minors has also been noted in the national army, in spite of ordinance No. 001 of 16 January 1991, which lays down a minimum age of recruitment into the army.

188. Like other countries, Chad has not been insensitive to this alarming situation. Thus it endorsed United Nations General Assembly resolution 48/157

of 20 December 1993 concerning the protection of children affected by armed conflicts and took an active part in the consultation on the impact of armed conflict on children held in Abidjan from 7 to 10 November 1995.

189. At the national level, a memorandum of understanding signed between the Republic of Chad and France on 30 July 1991 provided for a reduction in the armed forces, the discharge of minors and their resettlement in civilian life. Article 2 of decree No. 398/PR/MDNACVG/92 of 24 July 1992 concerning the discharge of army personnel stipulates specifically that the provisions concern minors. In accordance with this decree a census of minors was organized by the Ministry for the Armed Forces. Of the 500 minors listed, 467 were discharged with an end-of-service grant. The other 33, having reached the age of majority, preferred to continue their army career.

190. As part of a medium-term plan, the Ministry for Women, Children and Social Affairs, in collaboration with UNICEF, is drawing up a programme for the rehabilitation and reintegration of children in especially difficult circumstances, who from 1996 onwards include combatant minors.

B. Children in conflict with the law

1. Administration of juvenile justice

191. The Penal Code and the Code of Penal Procedure provide guarantees for the proper administration of justice for minors, such as immunity from criminal responsibility for minors under 13 years, frequent application of rehabilitation and supervision measures for minors, and the automatic entitlement of minors to legal aid in the event of criminal proceedings.

192. As regards sentencing, minors aged between 13 and 18 years cannot be sentenced to capital punishment or to long-term hard labour or for life. Cases involving minors are heard in chambers. No photographs or reports of proceedings against minors may be published in the press or in audiovisual form. The court may dispense a minor from attending trial if that is in his or her best interest.

193. There are at present no juvenile courts in Chad. In practice, the rehabilitation and assistance of minors in conflict with the law are not being implemented because of the lack of specialized facilities and educators. Chad is nevertheless planning to set up juvenile courts. For this purpose UNICEF has funded practical training for five magistrates in West African countries to enable them to acquire the necessary experience.

194. Special quarters are provided for detained minors by decree No. 371/77/CSM/MJ of 9 November 1977 concerning the status of penal establishments.

195. In order to give effect to the Convention, Chad has set up an Urban Programme for Children in Especially Difficult Circumstances to study the problem of children in conflict with the law (children's magistrates, special quarters for minors in detention).

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39)

1. Economic exploitation, including child labour (art. 32)

196. As soon as it attained independence, Chad ratified a number of conventions concerning child labour, in particular the following instruments:

- ILO Convention No. 4 concerning Employment of Women during the Night, 1919;
- ILO Convention No. 5 fixing the Minimum Age for Admission of Children to Industrial Employment, 29 October 1919;
- ILO Convention No. 6 concerning the Night Work of Young Persons Employed in Industry, 29 October 1919;
- ILO Convention No. 11 concerning the Rights of Association of Agricultural Workers, 1921;
- ILO Convention No. 33 concerning the Age for Admission of Children to Non-Industrial Employment, 12 April 1932;
- ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize, 1948;
- ILO Convention No. 111 concerning Discrimination in Respect of Employment, 1958;
- ILO Convention No. 100 concerning Equal Remuneration, 1951.

197. In Chad, the age of admission to certain risk-free forms of employment varies from 12 to 14 years. For other work regarded as dangerous, the required minimum age is 18 years, according to decree No. 55/PR.MTJS/DTMOPS of 19 February 1969 concerning child labour. Article 13 of this decree stipulates that offenders shall incur the penalties laid down in article 181 of the Code of Labour and Social Security. Obviously the above conventions apply only to children working in industry and do not cover the informal sectors, which frequently employ a large number of children. It should be noted that the organized economic sectors normally comply with the labour legislation in force. In the informal sectors, on the other hand, working children are frequently encountered.

2. Use of narcotic drugs (art. 33)

198. Act No. 28 of 29 December 1965 establishing regulations for pharmacies in Chad already dealt in a subsidiary manner with the problem of drug use and trafficking by minors. Subsequently, by Act No. 015/PR/94 of 24 April 1994, Chad ratified the Convention on Psychotropic Substances of 20 February 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 19 December 1988.

199. Chad also recently adopted Act No. 22/PR/95 of 28 September 1995 concerning the control of drugs. In addition, there is a narcotic drug control squad within the Criminal Investigation Department and a private association for drug control.

3. Sexual exploitation and sexual abuse (art. 34)

200. The Government of Chad considers sexual abuse of children to be intolerable, regardless of where and by whom it is perpetrated. The law provides for the protection of children against sexual exploitation in articles 271-273, 276 and 277 of the Penal Code. Articles 279-282 protect children against procuring and incitement to immoral behaviour.

4. Other forms of exploitation

201. Chad has taken steps to protect children against all forms of exploitation liable to impair their physical or moral integrity. In practice it is found that children are improperly employed in domestic work or as apprentices in spite of the legislation.

5. Sale, trafficking and abduction (art. 35)

202. All forms of child abduction are punishable under articles 286 and 289 of the Penal Code.

6. Children belonging to a minority or an indigenous group (art. 30)

203. There are relatively few minority or indigenous communities in Chad. Nevertheless, there are some children who belong to very small minorities. Examples include the "Hadad" (blacksmith) children in the north and the "Noïs" and "Rutos" in the middle-Chari region of the south, who are deprived by comparison with other children. The Government has not lost sight of this problem and intends to find appropriate solutions in accordance with the provisions of the Convention on the Rights of the Child. A number of NGOs and human rights associations are also looking into the problem.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

ST. KITTS AND NEVIS

[21 January 1997]

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Annexes*

I. Age of Majority Act 1983 (No. 15 of 1983)

II. Juvenile Act (Cap. 105)

III. The Protection and Child Welfare Board Act 1994

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* May be consulted in the files of the Centre for Human Rights.

INTRODUCTION

1. The twin-island State of St. Kitts and Nevis (SKN) is the smallest English-speaking independent State in the Caribbean. The total area is 118 square miles. The estimated population at the end of 1989 is 43,000 of which 42 per cent is below the age of 20 years. About 96 per cent of the population is of African descent with a small proportion of European extract.

2. The population of SKN has not increased over the last 135 years as migration to North America and Europe has been substantial. Table 1 below gives the population growth in SKN. It reinforces the enlightened view that the children of SKN are a valuable resource and need to be educated, trained and nurtured to take up opportunities and employment beyond the territory of SKN and this trend will continue despite restrictions on immigration by many Western countries.

Table 1. Population size and growth 1871-1980

Year	Population	Rate of growth p.a.
1871	39 872	0.28
1881	41 001	0.70
1891	43 963	-0.33
1901	42 556	-0.82
1911	39 228	-1.43
1921	33 984	0.77
1946	41 206	1.51
1960	50 883	-1.51
1970	45 327	-1.16
1980	43 309	-0.45

Source: Caribbean Community, 1980/81 Population Census of the Commonwealth Caribbean, Volume 3: St. Christopher/Nevis.

3. The present legal system of SKN was inherited from the United Kingdom during the colonial period. SKN was the mother colony established by the British in 1623 in the West Indies. In 1967 SKN became an Associated State. It achieved independence on 19 September 1983. It has a Magistrates Court and a High Court. The Court of Appeal is itinerant in the member States of the Organization of East Caribbean States (OECS). It hears cases on appeal from the Magistrates Court, High Court and the Juvenile Court.

4. SKN has a relatively high per capita income (US$ 3,990). It borders on a middle-income country. It has a small GDP (EC$ 451 million). It is important that the Committee on the Rights of the Child review this report on

the premise that it is difficult for a small State such as SKN to expand the institutional, educational and administrative structures of the Government of SKN with a view to protecting and promoting children's rights beyond a certain limit due to financial and other constraints, but remains committed to children by pursuing a policy of human development in a cross-sectoral manner.

I. GENERAL MEASURES OF IMPLEMENTATION

5. In an effort to pursue the policies and principles enshrined in the Convention in SKN:

(a) The Government has undertaken legal reforms such as the Law (Miscellaneous Provisions) Act 1992 and the Probation and Child Welfare Act 1994 to implement certain aspects of the Convention more effectively in the internal legal order;

(b) The Department of Community Affairs has held workshops, in collaboration with other governmental and non-governmental agencies, to sensitize both governmental and non-governmental agencies on the provisions of the Convention. Workshops were held in St. Kitts and in Nevis and recommendations were made to the Government to take further steps for the implementation of the Convention;

(c) The Department of Community Affairs has also taken action to educate and sensitize relevant sectors within the community on the Convention and related issues;

(d) The Early Childhood Development Unit in the Ministry of Education provides and coordinates activities for all day-care centres and preschools. During the month of June, which has been designated Child Month, the Unit holds a month-long programme of activities which involves the full participation of children and their parents;

(e) UNICEF on numerous occasions has provided advice in relation to implementation of the Convention by funding workshops and experts and training of personnel dealing with children.

6. The policies of the Government of SKN on the rights of the child are pursued together with those on the rights of women, as they complement each other. The Government of SKN has ratified the Convention on the Elimination of All Forms of Discrimination against Women and is now in the process of acceding to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. Implementation of these two conventions will complement the implementation of the provisions of the Convention on the Rights of the Child.

7. It is important to note that the Convention does not constitute law in the internal legal order. SKN follows a "dualist" tradition, whereby treaty law (as opposed to customary international law) requires legislative transformation. There is a need, therefore, to enact national legislation, where these do not already exist, to give effect to certain aspects of the Convention so far not covered by existing legislation or English common law or equity.

8. There has been some reorganization of the administrative structures of SKN in order to ensure effective implementation of the Convention in 1996. A Probation and Child Welfare Board has been appointed under the Probation and Child Welfare Board Act 1994, and will address some of the pressing issues such as child abuse, foster care and adoption in the best interest of the child. However, it is necessary that this Act be further amended to grant the Board corporate legal status in order to obtain locus standi in courts in legal matters. It is also necessary to amend the Act further in order to provide the Board additional functions and powers to deal with drug abuse (art. 33) and AIDS (art. 34 - Sexual abuse) in relation to children.

II. DEFINITION OF THE CHILD

9. The age of attainment of majority in SKN is 18 years. It was 21 years until the Age of Majority Act 1983 came into effect. The Act has provided:

> "Unless the context otherwise requires, the provisions of this Act shall apply for the construction of 'full age', 'majority', 'minor', 'infant', 'infancy', and similar expressions in any statute or statutory provision whether passed or made before, on or after the date of commencement of this Act..."

10. Thus, the Age of Majority Act 1983 has amended the Adoption Act, the Guardianship of Infants Act, the Marriage Act and Matrimonial Causes Act, the Registration of Births, Deaths and Marriages Act and the Social Security Act.

11. There is no specific provision of an age established for legal counselling in SKN without parental consent, but current practice suggests that this would depend on the maturity of the minor and the matter on which the legal counselling is required.

12. The Juvenile Act (Cap. 39) makes provision for the protection of children and young persons. This Act has been amended and now defines "juvenile" as a person under the age of 18 years, and "young person" a person who has attained the age of 14 years and is under the age of 18 years.

13. The legal age at which a child may undertake part-time or full-time employment is at the age of 16 years as provided in the Employment of Children (Restriction) Act.

14. The age of sexual consent as provided in the Offences against the Person Act is over 16 years. A person may enter into a marriage legally at 16 years of age without the consent of a parent or guardian as provided in the Marriage Act.

15. The law does not state precisely the age at which a child may voluntarily give testimony in court, but rather seeks to provide safeguards to ensure that a child who gives testimony understands the duty of speaking the truth and that his privacy is protected as provided in the Juvenile Act.

16. The age of criminal liability is eight years. In the words of section 3 of the Juvenile Act, "It shall be conclusively presumed that no child under the age of eight years can be guilty of any offence"; it thereby incorporates the English common law rule doli incapax.

III. GENERAL PRINCIPLES

17. The general principles relating to children are based on the rules of English common law and equity. The local legislation relating to adoption, guardianship, marriage, matrimonial causes, employment, status of children born out of wedlock and maintenance of children constitute a statutory superstructure or an amalgam to the English common law and equity.

18. The SKN Constitution offers protection to every person, including the child. The chapter entitled "Fundamental Rights and Freedoms" protects children in the following manner:

(a) Life, liberty, security of the person, the enjoyment of property and the protection of the law;

(b) Freedom of conscience, of expression and peaceful association; and

(c) Protection for his personal privacy, for the privacy of his home and other property and from deprivation of property without compensation.

19. It is important to note that the Constitution of SKN stipulates that no child is discriminated against by reason of being born out of wedlock. It is a salutary provision not found in any other Constitution in the world and thereby removes the scar of illegitimacy from children in appropriate circumstances. The rights of the mother have to be strengthened and the whole concept of family in a Caribbean context needs to be further investigated on the basis of "cultural relativism" in order to enhance the efficacy of this constitutional provision in the internal legal order.

20. The Constitution of SKN grants the right to apply to the High Court in order to seek redress where there is any contravention of fundamental rights.

IV. CIVIL RIGHTS AND FREEDOMS

21. The Registration of Births and Deaths Act requires that every child be registered immediately after birth. Every birth which is so registered must be recorded and the Certificate of Birth is provided accordingly. It is an important document for every parent who wishes to enrol his child in school or to travel abroad or to obtain a driver's licence or a passport.

22. A declaration of paternity may be issued under the Status of Children Act on the application of the mother, the father, or a person with a "proper intention", and thereby provide a measure of legal recognition to children born out of wedlock to exercise their civil rights and freedoms.

23. The rights of children to enjoy freedom of expression, freedom of thought, conscience and religion and freedom of peaceful assembly are enshrined in the Constitution of SKN.

24. In recent years, parents and teachers have been encouraged to accept the child's right to expression. This has been an area of weakness in many legal systems. For many years the principle that "children should be seen and not heard" at home and school existed, but this is gradually being replaced and children are encouraged to participate at every level in school and society in SKN.

25. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment is also enshrined in the Constitution of St. Kitts and Nevis.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

26. The protection of the family environment and provision for alternative care are in the "best interest of the child" as provided in the Convention. The object of the Guardianship of Infants Act and the Adoption Act is to provide a family environment in the best interest of the child. Provision for alternative care is made in the Probation and Child Welfare Board Act when this is absolutely necessary to ensure the best interest of the child. SKN has recently acceded to the Hague Convention on Civil Aspects of International Child Abduction and, a fortiori, it is necessary to pass some delegated legislation to give effect to this Convention in order to regulate and expedite such court proceedings.

27. The legal responsibilities and duties of parents and guardians are set out in the Juvenile Act. This Act provides that a parent or other person legally liable to maintain a juvenile shall be deemed neglected if that person, being able to do so, fails to provide adequate food, clothing, rest, medical aid or lodging. In appropriate cases, the Government of SKN provides assistance to needy families and children.

28. Similarly, the Maintenance Act provides that parents have the responsibility to maintain their children, thus seeking to ensure that every child has a standard of living adequate for his physical, mental, spiritual, moral and social development (art. 27). The necessary machinery exists within the court system to enforce reciprocal maintenance orders, but the intent of the legislation is sometimes frustrated by factors such as the difficulties and expense of finding delinquent fathers outside the country and the non-existence of any bilateral treaty arrangements with other countries to facilitate such action.

29. In order to provide a proper family environment as outlined in articles 10, 20 and 21 of the Convention:

(a) The Magistrate Court administers child custody and determines, in cases where parents do not live together, which parent shall have custody of the child. The Court, by court order, awards visiting rights to parents who are separated from their children;

(b) The Probation and Child Welfare Board has responsibility for the investigation and supervision of children who are in need of care and

protection in a family environment. They are responsible for the placement of children in institutions of foster care, supervising their progress and evaluating such placement (arts. 20 and 25).

30. Adoption is permitted after investigation of the child's circumstances and the health of both child and adoptive parents. The adoption must be approved by the High Court. The process includes certain safeguards such as a waiting period after birth before a mother can sign a consent for her child to be adopted. Intercountry adoption is allowed but not yet regulated in terms of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993) to which SKN may become a State party in due course.

31. In the last decade, there has been increasing public awareness of the need to protect children from abuse and neglect (art. 19) and to promote the recovery of abused children from the trauma of their experiences (art. 39). To address these concerns consideration is being given to vesting in the Board wider powers and corporate legal status as indicated above.

VI. BASIC HEALTH AND WELFARE

32. The Public Health Act provides for basic health. It governs a wide spectrum of health-related activities affecting both adults and children, such as the Hospital and Primary Health Care Units. These bodies deal with public sanitation and the investigation of disease. The Act provides for making regulations to carry out the provisions of the Act, including immunization of children without a charge; as a result 100 per cent immunization has been achieved in SKN in terms of the WHO requirements.

33. The Minister of Health has final responsibility for the administration of matters affecting the health of children. There is a Permanent Secretary who, with the assistance of a number of directors, is responsible for various administrative areas and a Chief Medical Officer who, in turn, leads a number of health professionals supported by various paramedical personnel.

34. Services for disabled children are provided by the Government in accordance with article 23, both as regards special care and education. A team of children has been participating regularly in the Special Olympics with assistance provided by Government, the private sector as well as NGOs. There has been an increase in public awareness of the needs of the disabled, largely due to the activities of a number of governmental and non-governmental organizations. One serious area of weakness is the limited facilities for the rehabilitation of disabled children and this requires external assistance.

35. The health of children in government care is part of the responsibility of health professionals, who assess the health status and environmental conditions of government children's homes on a quarterly basis and provide health care as needed to the children. Efforts are being made by the Paediatric League, a non-governmental organization, to establish a children's ward at the JNF Hospital which requires some assistance from external sources.

36. With regard to health services (art. 24), there is an aggressive public education programme on all targets, e.g. immunization, control of diarrhoeal

diseases, breastfeeding, adequate infant nutrition and the promotion of prenatal and postnatal care and aids. The public education programme includes the use of the mass media, dramatization, brochures, etc.

37. The maintenance of children is paramount to the welfare of the children. The Magistrate's Code of Procedure Act, the Laws (Miscellaneous Provisions) Act 1992, the Guardianship of Infants Act, the Matrimonial Causes Act, the Maintenance of Children Act and the Social Security Act have been amended from time to time to provide such welfare to children. The need to have provisions for the attachment of earnings is being acquired.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

38. The Education Act 1975 makes legal provision for all matters relating to education. The structure of the school system in SKN is as follows:

(a) Primary education, which consists of full-time education generally suitable to the requirements of students who are not over the age of 12 years;

(b) Secondary education, which consists of full-time education generally suitable to the requirements of students who have attained the age of 11 years and are not over the age of 19 years; and

(c) Tertiary education, consisting of:

(i) Full-time education in teacher-training;

(ii) Preparation for external degree examinations at the University of the West Indies and extraregional institutions;

(iii) Leisure-time occupation in creative activities.

39. The administration is controlled by the Ministry of Education which is headed by a Minister, who has overall responsibility for its operations. There is a Permanent Secretary, a member of the civil service, and a Chief Education Officer who has final responsibility for the day-to-day management of the Ministry's programmes.

40. The policies of the Government of SKN, for the most part, are in keeping with the principles outlined in the Convention. There is provision for compulsory education between the ages of 5 and 16 years. The cost of tertiary education makes it difficult for the Government of SKN to establish a fully-fledged tertiary education system due to the small population and the substantial cost. Such education is necessary to create an epistemic community to undertake the numerous obligations of an independent sovereign State, and therefore the Government of SKN has taken measures to address this gap in the education system.

41. In an effort to provide tertiary education, the Government has given the undertaking that no child will be denied tertiary education because of an inability to pay. The Government contributes almost EC$ 700,000 per annum to

the University of the West Indies. It has also provided student loan schemes with the support of the Caribbean Development Bank to meet the costs of students following tertiary education.

42. With special regard to vocational training, a factor which creates difficulty is the high cost of providing and maintaining equipment in this area. The cost of retaining technical teachers is also high.

43. The Government of SKN fully recognized the right of the child to participate fully in leisure, recreation and cultural activities as set out in article 31. To this end, all government schools were built with adequate play areas and breaks for the purpose of recreational activities are included in the curricula. As a result, children are constantly engaged in cricket, football and tennis and four persons from SKN have been able to secure positions in the famous West Indies Cricket Team.

44. Children are encouraged to participate in cultural activities. An example of this is the annual festival in which all schools enter events in song and dance relating to their heritage. The children are also exposed to information pertaining to national and regional culture including the introduction of a recent programme to teach the steel pans in schools.

VIII. SPECIAL PROTECTION MEASURES

45. Children in situations of emergency. There are no legislative provisions in force in SKN to deal with refugee children or children in armed conflicts as such situations are non-existent in SKN.

46. Children in conflict with the law. The administration of juvenile justice in SKN conforms to some extent with article 40 of the Convention. This article stipulates that the child is presumed innocent until proven guilty and that a child should be informed directly or through his legal guardians of the charges against him or her. It is also necessary that such matters should be determined without delay by a judicial body and to have his or her privacy fully respected at all stages of the proceedings. However, the Juvenile Act (Cap. 39) does not encapsulate "The Beijing Rules".